

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CASE NO. 02-80810
HON. DENISE PAGE HOOD**

DAMON LAMAR JOHNSON,

Defendant.

**ORDER LIFTING STAY AND ORDERING
BRIEFING ON SECTION 2255 MOTION**

Defendant Damon Lamar Johnson filed a motion under 28 U.S.C. § 2255 claiming incorrect application of the sentencing guideline range based on the Supreme Court's invalidation of the residual clause of the Armed Career Criminal Act as unconstitutionally vague under the Due Process Clause of the Fifth Amendment. *Johnson v. United States*, 136 S.Ct. 2551, 2563 (2015). The Government moved the Court to stay the litigation pending the Supreme Court's decision in *Beckles v. United States*, No. 15-8544, 2016 WL 1029080 (U.S. June 27, 2016) (Mem.), wherein the Supreme Court granted *certiorari* on the issue of whether *Johnson* should be applied retroactively. On August 17, 2016, the Court granted the Government's Motion to Stay.

On March 6, 2017, the United States Supreme Court issued an opinion in *Beckles*, 2017 WL 855781, — U.S. — (March. 6, 2017). As *Beckles* has been decided, the Court lifts the stay it entered on August 17, 2016, and orders the Government to file a response to Defendant's Section 2255 Motion.

Accordingly,

IT IS ORDERED that the Court's Order granting the Government's Motion to Stay (**Doc. No. 126**) is LIFTED.

IT IS FURTHER ORDERED that the Government shall file a response to Defendant's Section 2255 Motion on or before April 28, 2017.

IT IS FURTHER ORDERED that a reply, if any, shall be filed on or before May 15, 2017.

S/Denise Page Hood

Denise Page Hood
Chief Judge, United States District Court

Dated: March 17, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 17, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager